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PTO/SB/05 (03-01)

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<div style="display: flex; align-items: center;"><div style="writing-mode: vertical-rl; transform: rotate(180deg); font-size: small; margin-right: 5px;">031504</div><div style="text-align: center;"><div style="display: flex; flex-direction: column; align-items: center;"><div>16558</div><div>U.S. PTO</div></div></div></div> <div style="text-align: center; margin-top: 10px;"><b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small></div>	<b>Attorney Docket No.</b> 9196-032-999	<b>Total Pages</b> 231	<b>First Named Inventor or Application Identifier</b> Jean-Louis Dasseux
	<b>Express Mail Label No.</b> EV 376 296 618 US		
	<b>Commissioner for Patents</b> <b>P.O. Box 1450</b> <b>Mail Stop PATENT APPLICATION</b> <b>Alexandria, VA 22313-1450</b>		
	<b>APPLICATION ELEMENTS</b> <small>See MPEP chapters 600 concerning utility patent application contents.</small>		

1. ☒ Fee Transmittal Form  
*(Submit an original, and a duplicate for fee processing)*

2. ☒ Applicant claims Small Entity status, see 37 C.F.R. § 1.27

3. ☒ Specification [Total Pages 140]  
*(preferred arrangement set forth below, MPEP 1503.01)*  
- Descriptive title of the Invention  
- Cross Reference to Related Applications  
- Statement Regarding Fed sponsored R&D  
- Reference to Microfiche Appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description of the Invention (including drawings, if filed)  
- Claim(s)  
- Abstract of the Disclosure

4. ☒ Drawing(s) (35 USC 113) [Total Sheets 11]

5. ☒ Oath or Declaration [Total Sheets 2]  
a. ☐ Newly executed (original or copy)  
b. ☒ Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 18 completed)*  
i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. ☒ Nucleotide and/or Amino Acid Sequence Submission  
*(if applicable, all necessary)*  
a. ☐ Computer Readable Form (CRF)  
b. ☒ Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☒ paper (66 pgs.)  
c. ☐ Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))

10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
*(when there is an assignee)*

11. ☐ English Translation Document (if applicable)

12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations

13. ☒ Preliminary Amendment (3pgs.)

14. ☒ Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*

15. ☐ Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*

16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or it's equivalent

17. ☐ Other:

**18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:**

☒ Continuation    ☐ Divisional    ☐ Continuation-in-part (CIP)    of prior application No.: 09/865,989 filed May 25, 2001.

Prior application information:      Examiner: Jeffrey E. Russel      Group Art Unit: 1654

**For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**

**19. CORRESPONDENCE ADDRESS**

☒ Customer Number

20583  
Insert Customer No.

☐ Correspondence address below

NAME			
ADDRESS			
CITY	STATE	ZIP CODE	
COUNTRY	TELEPHONE	FAX	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

CAJD: 501393.1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Prior application: Examiner Jeffrey E. Russell  
 Art Unit 1654

Commissioner for Patents  
 P.O. Box 1450  
 Mail Stop PATENT APPLICATION  
 Alexandria, VA 22313-1450

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/865,989 filed on May 25, 2001.

of Jean-Louis Dasseux, Renate Sekul, Klaus Buttner, Isabelle Cornut, and Gunther Metz  
 (inventor(s) currently of record in prior application)

for APOLIPOPROTEIN A-I AGONISTS AND THEIR USE TO TREAT DYSLIPIDEMIC DISORDERS  
 (title of invention)

1. ☒ The filing fee is calculated below:

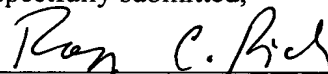
**PATENT APPLICATION FEE VALUE**

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	69	- 20	0	\$18.00 each	\$ 882.00
Independent	1	- 3	0	\$86.00 each	\$
Minimum Fee					\$ 770.00
Multiple Dependency Fee					\$ 290.00
If Applicable (\$290.00)					\$
<b>Total</b>					\$ 1942.00
Applicant qualifies for the 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					\$ 971.00
<b>Total Filing Fee</b>					\$ 971.00

2. ☒ Please charge the required fee to Jones Day Deposit Account No. 503013. A copy of this sheet is enclosed.
- 3a. ☒ A Preliminary Amendment is enclosed.
- 3b. ☒ A new specification, substantially identical to the pending prior application and containing no new matter, is enclosed.
- 4a. ☐ New formal drawings are enclosed.
- 4b. ☒ Informal drawings are enclosed.
- 5a. ☒ Priority of application no. 09/865,989 filed on May 25, 2001 is claimed under 35 U.S.C. §120.

- 5b. ☐ The certified copy has been filed in prior application no. , filed .
6. ☒ The prior application is assigned of record to Esperion Therapeutics, Inc..
- 7a. ☒ A copy of the Power of Attorney filed in the prior application no. 09/865,989, filed May 25, 2001 is enclosed.
- 7b. ☐ A Power of Attorney is enclosed.
8. ☒ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
9. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
10. ☐ DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).
11. ☒ Additional enclosures or instruction Please enter the Preliminary Amendment canceling claims 1-52 and adding new claims 53-83 prior to calculating the fee.

Respectfully submitted,

Date March 15, 2004

Roger C. Rich

For: Anthony M. Insogna (Reg. No. 35,203)

**JONES DAY**

222 East 41st Street

New York, New York 10017

54,398

(Reg. No.)